



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/379,385 | 08/23/1999 | RICHARD NEY | 02950.P015 | 1209 |

7590

01/24/2002

ANDRE L MARAIS
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN LLP
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 01/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/379,385

Applicant(s)

NEY ET AL.

Examiner

Thomas A. Dixon

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2161

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Specifically, Mr Ney's address has been altered, but not initialed and dated.

Drawings

2. This application has been filed with drawings which are acceptable for examination purposes only and have been objected to by the draftsman. Formal drawings will be required when the application is allowed.

See form 948 attached.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the text starting at line 4 is unclear regarding the columns, their data and the manipulation taking place.

Art Unit: 2161

4. Claims 7 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the text starting at line 4 is unclear regarding the cumulative record and the manipulation taking place.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1,14 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuhn (6,263,049).

As per Claim 1.

Kuhn ('049) discloses:

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43;

identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43; and

modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 2.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within the interaction information, see column 7, lines 16-25.

As per Claim 3.

Kuhn ('049) discloses all the limitations of Claim 1.

Art Unit: 2161

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 4.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction information occurred, see column 7, line 64 – column 8, line 40.

As per Claim 5.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the identification of the cumulative record includes constructing a key, utilizing interaction information that is mapped to the cumulative record, see column 7, lines 10-43.

As per Claim 6.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

As per Claim 7.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 8.

Kuhn ('049) discloses all the limitations of Claim 7.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set constituting a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 9.

Kuhn ('049) discloses all the limitations of Claim 8.

Kuhn ('049) further discloses a data operation associated within the respective column comprises a copy operation, see figure 3 (322 Edit pulldown)

As per Claim 10.

Kuhn ('049) discloses all the limitations of Claim 1.

Art Unit: 2161

Kuhn ('049) further discloses the cumulative record contains interaction information derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

As per Claim 11.

Kuhn ('049) discloses all the limitations of Claim 10.

Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time, the summarization record comprising a plurality of cumulative records, see figure 3 and column 8, lines 36-48.

As per Claim 12.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the interaction information includes, see figure 3, source (312), data (320), time (316), talk time (318).

As per Claim 13.

Kuhn ('049) discloses all the limitations of Claim 1.

Kuhn ('049) further discloses the customer interaction system comprises and automatic call distributor, see column 4, lines 4-17, a computer telephony integration server, see column 18-22.

As per Claim 14.

Kuhn ('049) discloses:

a first process to receive a first record including interaction information describing a customer interaction and identifying a cumulative record to which the interaction contributes, see column 7, lines 10-43; and

a second process to modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

As per Claim 15.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing time information included within the first record, see column 7, lines 16-25.

As per Claim 16.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing data type information included within the interaction information, see column 7, lines 16-25.

As per Claim 17.

Kuhn ('049) discloses all the limitations of Claim 14.

Art Unit: 2161

Kuhn ('049) further discloses the identification of the cumulative record is made utilizing source information identifying a customer interaction system on which the customer interaction described by the interaction information occurred, see column 7, line 64 – column 8, line 40.

As per Claim 18.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the identification of the cumulative record includes constructing a key, utilizing interaction information that is mapped to the cumulative record, see column 7, lines 10-43.

As per Claim 19.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the plurality of cumulative records comprising a series of rows and columns, see figure 3.

As per Claim 20.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the interaction information comprises a plurality of information items and the modification of the cumulative record comprises performing a data operation with respect to the cumulative record, see column 7, lines 10-43.

As per Claim 21.

Kuhn ('049) discloses all the limitations of Claim 20.

Kuhn ('049) further discloses each of the processed information items being assigned to a respective column within a result set constituting a plurality of records, each of the columns of the result set having a respective data operation associated therewith, see figure 3.

As per Claim 22.

Kuhn ('049) discloses all the limitations of Claim 20.

Kuhn ('049) further discloses a data operation associated within the respective column comprises a copy operation, see figure 3 (322 Edit pulldown)

As per Claim 23.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the cumulative record contains interaction information derived from a plurality of records for a predetermined time, see figure 5 (504, 508).

As per Claim 24.

Kuhn ('049) discloses all the limitations of Claim 23.

Kuhn ('049) further discloses the cumulative record is stored within a database as part of a summarization record of customer interactions over a predetermined time,

Art Unit: 2161

the summarization record comprising a plurality of cumulative records, see figure 3 and column 8, lines 36-48.

As per Claim 25.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the interaction information includes, see figure 3, source (312), data (320), time (316), talk time (318).

As per Claim 26.

Kuhn ('049) discloses all the limitations of Claim 14.

Kuhn ('049) further discloses the customer interaction system comprises and automatic call distributor, see column 4, lines 4-17, a computer telephony integration server, see column 18-22.

As per Claim 27.

Kuhn ('049) discloses:

receiving an interaction record including interaction information describing a customer interaction, see column 7, lines 10-43;

identifying a cumulative record to which the interaction contributes, see column 7, lines 31-43; and

modifying the cumulative record to reflect the interaction contained within the interaction record, see column 7, lines 31-43.

Prior Art made of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Durinovic-Johri et al disclose an automatic call distributor system which tracks incoming calls on a FIFO basis, but does not disclose all the limitations of the claims.

Call distribution boosts cable company's ratings, is the closest non-patent literature which discloses tracking call response times and various statistics, but does not disclose the limitations of the claims.

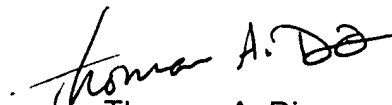
Art Unit: 2161

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7293 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon
Examiner
Art Unit 2161

January 22, 2002